OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

ALMAT BUILDERS AND REMODELING, INC.,	)	No. ED108784
Appellant,	)	Appeal from the Circuit Court of Perry County
v.	)	
MIDWEST LODGING, LLC, And MONTGOMERY BANK, N.A., And SHRINAY CONSTRUCTION, LLC,	)	Honorable Benjamin F. Lewis
Respondents.	)	FILED: December 8, 2020

Plaintiff Almat Builders and Remodeling, Inc. (Almat), appeals from the circuit court's entry of summary judgment in favor of Defendants Midwest Lodging, LLC, and Montgomery Bank, N.A. (Midwest Lodging and Montgomery Bank, respectively), in this action arising out of Almat's work on a hotel construction project. Almat asserted both an action to enforce a mechanics' lien, and a quantum meruit action to recover amounts allegedly due Almat for its work on the project.

AFFIRMED IN PART; REVERSED AND REMANDED IN PART

DIVISION THREE HOLDS: Almat's mechanics' lien statement is not a just and true account, and thus the circuit court properly granted summary judgment for Midwest Lodging and Montgomery Bank on Almat's mechanics' lien action. We therefore affirm the circuit court's judgment as to that count. We reach a different result regarding the quantum meruit action, however. To the extent the circuit court relied on the agency and contractual grounds advanced by Midwest Lodging and Montgomery Bank in granting summary judgment on Almat's quantum meruit claim, the circuit court erred. Further, the factual assertions contained in the summary-judgment record are insufficient to entitle Midwest Lodging and Montgomery Bank to summary judgment. We therefore reverse the circuit court's judgment as to Almat's quantum meruit count and remand the cause to the circuit court for further proceedings.

Opinion by Angela T. Quigless, P.J.; Kurt S. Odenwald, J.; and James M. Dowd, J., concur.

Attorney for Appellant: Vivek Puri

Attorney for Respondents Midwest Lodging, LLC and Montgomery Bank, NA: Steven M. Cockriel

Respondent Shrinay Construction, LLC acting *pro se*

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.